

AMANDA L. NICKEL
DELVECCHIA Vs. FRONTIER AIRLINES

December 11, 2019

1

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEVADA

3
4 PETER DELVECCHIA, et al.,

5 Plaintiffs,

6 vs.

CASE NO.

2:19-CV-01322-KJD-NJK

7 FRONTIER AIRLINES, INC.,
8 et al.,

9 Defendants.

10
11
12
13 VIDEOTAPED DEPOSITION OF

14 AMANDA LEE NICKEL

15
16 Wednesday, December 11, 2019

17 9:01 a.m.

18
19 9950 West Cheyenne Avenue

20 Las Vegas, Nevada

21
22 Judith Payne Kelly, RMR, CCR-539
23
24
25

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1 A. No.

2 Q. Did you observe him placing his hand near
3 A.D.'s crotch?

4 A. Scott or the -- or the plaintiff?

5 Q. Scott.

6 A. No, he did not. He was not near the -- or
7 the victim.

8 Q. The victim. You mean A.D.?

9 A. Correct.

10 Q. Okay. Why did you call him a victim?

11 A. Because we -- that's what I believe he was.

12 Q. Okay. When did you form that belief?

13 A. After we had all of our observations on
14 what -- on the situation at hand.

15 Q. Okay. So it was based on other people's
16 observations?

17 A. And my own.

18 Q. Okay. What was your own observation?

19 A. From the beginning of the flight, when he was
20 being moved, Anna came back and spoke to us and let us
21 know why he was being moved. We believed -- I believed
22 it was a language issue, because he did not look under
23 15.

24 Q. Let me stop you for a second, because you
25 said "when he was being moved"; and, of course we know

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1 A. There was no reason for me at that point to
2 go over and question them.

3 Q. Fair enough. So Anna, who is a flight
4 attendant just like you --

5 A. Uh-huh.

6 Q. You have to say yes or no.

7 A. Yes.

8 Q. -- had made a determination that flight
9 attendants are allowed to make. Right?

10 A. I'm sorry. Can you repeat the question or
11 statement?

12 Q. Anna, who is a flight attendant like you, had
13 made a determination that flight attendants like you
14 are allowed to make. Right?

15 MR. MAYE: Object to form.

16 A. Make what?

17 Q. (By Mr. McKay) Well, she had determined that
18 the child was 12 years old and had therefore, according
19 to procedures and regulations -- had moved the child
20 from row 13 to row 17, correct?

21 A. Yes, after questioning the parent and the
22 child.

23 Q. Good. Okay. So she had questioned the
24 parent and the child to her satisfaction and had
25 determined that the child was not of sufficient age to

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1 sit in the exit row?

2 A. Yes.

3 Q. My question to you is, upon obtaining that
4 information, what makes you uneasy?

5 A. Between Anna stating that the child would not
6 answer the question about his age until getting
7 permission from his father and the observation that I
8 made that he looked older than 12.

9 Q. Did she say to you that the father gave him
10 permission to answer the question?

11 A. She said that the child looked up to his
12 father before he would answer the question. That's the
13 observation she made.

14 Q. Right before he did answer the question,
15 right?

16 A. Correct. Yes.

17 Q. Okay. You teach children.

18 A. Yes.

19 Q. You have children.

20 A. Yes.

21 Q. Have you ever seen a child who is asked a
22 question by a stranger, adult, look to their parent
23 before answering the question?

24 A. Not at that age, no.

25 Q. Not in your life? You've never seen such a

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1 thing?

2 MR. MAYE: Object to form.

3 A. I don't recall, but --

4 Q. (By Mr. McKay) It could have happened?

5 MR. MAYE: Object to form.

6 A. I don't interact many with children and
7 parents as a substitute teacher, but my own child would
8 answer the question without looking to me.

9 Q. (By Mr. McKay) So once again, this
10 particular African-American child is not acting like
11 your Caucasian child? Right?

12 MR. MAYE: Object to form.

13 A. I don't see why the color of their skin has
14 to do with answering a question.

15 Q. (By Mr. McKay) Well, in this instance, an
16 African-American child looked to his Caucasian father
17 before answering Anna's question, according to Anna.

18 A. Yes.

19 Q. Right? Okay. And that's not something that
20 your Caucasian child would have done, right?

21 MR. MAYE: Object to form.

22 A. My 12-year-old child.

23 Q. (By Mr. McKay) Yes.

24 A. Yes.

25 Q. And I presume he's Caucasian?

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1 MR. MAYE: Object to form.

2 A. Yes.

3 Q. (By Mr. McKay) Okay. So you're uneasy
4 because the African-American child looked to his father
5 before answering Anna's question and because he was
6 somewhat taller than your 12-year-old?

7 MR. MAYE: Object to form.

8 A. Because he looked older than 12.

9 Q. (By Mr. McKay) Okay. And so you told the
10 police that you were uneasy about Peter and A.D. It
11 was both of them, right?

12 A. A father and son, yes.

13 Q. Okay. Now, if you had to put your uneasiness
14 into some subject category, what would it have been?

15 MR. MAYE: Object to form.

16 A. I'm not sure I understand the question.

17 Q. (By Mr. McKay) Well, you were acting in a
18 professional capacity at the time that you felt uneasy,
19 right?

20 A. Yes.

21 Q. Okay. Was your uneasiness tied to your
22 professional duties on the flight?

23 A. Yes.

24 Q. Okay. So what of your professional duties
25 was this set of circumstances making you uneasy about?

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1 A. In my circumstances, we're supposed to make
2 observations; and if we feel off about something, or
3 uneasy, to continue observing them.

4 Q. In your training, then, you've been told
5 this?

6 A. Yes.

7 Q. Okay. So in your training, did anyone
8 indicate to you what might be a reason for keeping an
9 eye on somebody?

10 A. No. We're just supposed to be vigilant and
11 look out for anything that we feel is off or makes us
12 uneasy.

13 Q. Well, in your own mind, why do you keep an
14 eye on passengers that make you uneasy?

15 A. Because it's our job to ensure the safety of
16 the aircraft and the other passengers.

17 Q. Okay. And so did you feel that these
18 observations that you made of A.D. were potentially
19 leading to a safety-of-the-aircraft issue?

20 A. I did not know at the time if those two alone
21 had to do with safety; but it was something that I kept
22 an eye out, like we're taught.

23 Q. Did you think maybe that they could be
24 hijackers?

25 MR. MAYE: Object to form.

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1 A. I'm not going to assume any specific threat.

2 Q. (By Mr. McKay) I'm not asking you about
3 anything you might do in the future. I'm asking you
4 about what you did on the Flight 2067 on March 28th.

5 A. I have no experience with hijackers, so I
6 don't know the behavior of a hijacker.

7 Q. Okay. So they potentially could have been
8 hijackers?

9 MR. MAYE: Object to form.

10 A. They could have been anything.

11 Q. (By Mr. McKay) They could have been
12 anything? They could have been bombers?

13 A. I don't have experience with bombers.

14 Q. Terrorists?

15 A. I don't have experience with terrorists
16 personally on an airplane.

17 Q. So, again, your uneasiness, then, is just not
18 connected to any particular belief that these people
19 might be engaged in some criminal activity?

20 A. Not from those observations, no.

21 Q. Okay. Did you at any time later feel that
22 they were?

23 MR. MAYE: Object to form.

24 A. Those two alone, no.

25 Q. (By Mr. McKay) Those two in conjunction with